



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,462	07/30/2003	Robert Thomas Cato	RPS920030024US1	9167

25299 7590 08/27/2004

IBM CORPORATION
PO BOX 12195
DEPT 9CCA, BLDG 002
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

DONNELLY, ARTHUR D

ART UNIT	PAPER NUMBER
----------	--------------

3663

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,462

Applicant(s)

CATO, ROBERT THOMAS

Examiner

Arthur D Donnelly

Art Unit

3663



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/30/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Malec et al. (5,295,064).

Malec et al. discloses a shopping system comprising a shopping cart including a plurality of wheels a portable electronic device, coupled to the shopping cart for displaying shopping data (Column 1 lines 58-64); an energy generator coupled to one of the plurality of wheels for adding energy to a power source of the portable electronic device on a shopping cart (Column 9 lines 50-52);

a portable electronic device, coupled to the shopping cart for displaying shopping data and a position mapping system, coupled to the portable electronic device, for developing a shopper location relative to a start location (Column 1 lines 58-66), the mapping system including a distance measuring system coupled to one of the plurality of wheels for providing a distance signal indicating a distance of movement of the shopping cart; and a direction measuring system for providing a direction signal concurrent with the distance signal (Column 33 lines 57-65);

further comprising a position locating system, coupled to the portable electronic device for entering absolute coordinates of the start location (Column 8 line 66 – Column 9 line 3);

a merchandise reader coupled to the portable electronic device for detecting the shopper tracking system comprising merchandise identification data from a merchandise element proximate the portable electronic device and a database coupled to the portable electronic device, for storing absolute coordinate data for the merchandise element, the POS device using the absolute coordinate data of the merchandise element to adjust the shopper location (Column 2 lines 29-39);

wherein the merchandise reader is a bar code scanner and the merchandise identification data is a UPC bar code (Column 2 lines 18-19);

wherein the database is remotely located relative to the portable electronic device and the portable electronic device is coupled to the database using a wireless transmission system (Column 2 lines 9-28);

wherein the database is written into a memory of the portable electronic device (Column 4 lines 33-43);

wherein the portable electronic device enters a reduced power consumption mode when the distance measuring signal indicates that the shopping cart has not moved at least a first threshold distance within a second threshold period (Column 11 lines 6-16).

Art Unit: 3663

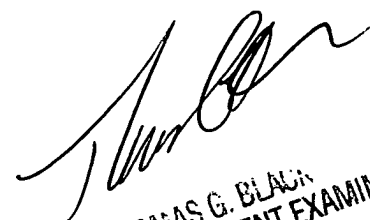
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Donnelly whose telephone number is (703) 305-0215. The examiner can normally be reached on Monday -Thursday on the first and third weeks of the month and from Monday - Friday on the second and forth weeks of the month from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

add
August 20, 2004


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3600